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JOINT MANUAL OF

CIVIL AFFAIRS/ MILITARY GOVERNMENT

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DEPARTMENTS OF THE ARMY, THE NAVY, AND THE AIR FORCE

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JOINT MANUAL OF CIVIL AFFAIRS/MILITARY GOVERNMENT

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CHAPTER I

INTRODUCTION

1. Purpose and Scope

a. Purpose. This manual provides information and guidance on employment, operation, and administration of civil affairs and military government in areas where United States Armed Forces are employed.

b. Scope. This manual states the principles and general policies to be followed by organizations of the Departments of the Army, the Navy, and the Air Force, in planning and conducting civil affairs or military government operations where U. S. forces are employed. Department of the Army Field Manual 27-10, The Law of Land Warfare, prescribes the obligations of United States Forces under international law and the rules to be observed when dealing with persons and property in occupied territory.

c. Applicability. The material presented herein is applicable without modification to both nuclear and nonnuclear warfare.

2. Definitions

a. Civil Affairs/Military Government (CAMG). A grouping of terms employed for convenience to refer to either Civil Affairs or Military Government, depending upon the context.

EXPLANATION: In this manual, the combined term refers to the functions, activities, and common mission of these operations and will be used when referring to either or both civil affairs and military government.

b. Civil Affairs. Matters concerning the relationship between military forces located in a friendly country or area and the civil authorities and people of that country or area usually involving performance by the military forces of certain functions or the exercise of certain authority normally the responsibility of the local government. This relationship may occur prior to, during, or subsequent to military action in time of hostilities or other emergency and is normally covered by a treaty or other agreement, express or implied.

EXPLANATION: In United States usage, this term describes the conduct of a wide variety of relations between armed forces and civilian populations and civil authorities. The civil affairs activities of the armed forces commander in some instances may extend to an almost complete assumption of the authority which is normally exercised by the local authorities of the area. Comprehensive civil affairs activities will usually be required in areas freed from enemy occupation or in areas where hostilities are going on or are imminent. They are especially needed when the normal sovereign of the area concerned is incapable of assuming full responsibility for its administration. A civil affairs agreement normally describes the degree of control exercised by the armed forces commander, but extensive civil affairs operations

may be necessary even in the absence of an express agreement. When the local authorities are able to carry out their functions, the responsibility of the commander may consist of nothing more than the giving of advice or rendering assistance to the civil authorities.

c. Military Government. The form of administration by which an occupying power exercises executive, legislative, and judicial authority over occupied territory.

EXPLANATION: In the practice of the United States, military government describes a situation where armed forces assume complete governmental responsibilities normally exercised by local authorities. It is established and maintained for the government of—

- (1) Occupied enemy territory.
- (2) Domestic territory recovered from rebels treated as belligerents, or—
- (3) Allied or other territory recovered from an enemy (including neutral territory and areas unlawfully incorporated by the enemy into its own territory) when these territories are not the subject of a civil affairs agreement—

The authority of the occupant is supreme over the occupied territory and population. The occupant is obliged, as far as he is able, to maintain orderly government in the territory. Within limits of international law, he may exercise the functions of government itself and exclude the local authorities. The in-

tensity and extent of controls will vary with circumstances and policy. Performance of some governmental functions by authorities of the previous government is not inconsistent with a military occupation, so long as the power and purpose to exercise supreme authority in the territory are maintained. For example, the conclusion of an agreement between the occupant and the previous civil government concerning the authority to be exercised by each does not necessarily bring military government of the area to an end.

d. Occupied Territory. Territory under the authority and effective control of a belligerent armed force. The term is not applicable to territory being administered under a civil affairs agreement or pursuant to peace terms.

EXPLANATION: The term *occupied territory* normally refers to those territories where military government is being administered. The test is the assertion of authority and the assumption and maintenance of firm possession and control of territory by the military for the purpose of holding it regardless of the number of troops or the extent of their deployment. The term is not applicable to territory being administered under a civil affairs agreement or where troops are otherwise present by consent or a friendly or cobelligerent government; it ceases to be applicable to enemy territory

upon the conclusion of a treaty of peace or other appropriate international agreement and it cannot be applied to territory where United States domestic law is effective.

e. Civil Affairs Agreement. An agreement which governs the relationship between United States Armed Forces located in a friendly country and the civil authorities and people of that country. See Civil Affairs.

EXPLANATION: Where United States troops are present in a friendly country, the authority of the United States therein is normally that essential to accomplish the military mission. The agreement, whether express or implied, governs the relationships between the United States forces and the local population and agencies, both private and governmental. It includes such matters as the authority and conditions under which United States forces are or may be employed in the area, the facilities and services which may be provided by each country to the other, and the degree of responsibility which will be assumed by the military commander with respect to the normal functions of civil government.

f. Military Governor. The military governor is the military commander or other designated person who, in an occupied territory, exercises supreme authority over the civil population subject to the laws and usages of war and to any directive received from his government or from his superior.

g. Command Support. That support rendered by CAMG units functioning as operating commands

for tactical and administrative units such as armies, corps, divisions, communication zones, or logistical commands.

h. Area Support. That support rendered by CAMG units functioning as operating units for the administration of specific geographical areas such as cities, provinces, or states.

3. Other Forms of Military Administration and Agreements

This manual does not deal with the following subjects:

a. Martial Law (also referred to as "Martial Rule").

b. Military Rights and Status of Forces Agreements.

c. Trust Territories administered under United Nations trusteeship agreements.

d. Other dependent areas which are subject to United States jurisdiction and administered by one of the military departments in time of peace.

e. Civil affairs and military government administration by an international command which is subject to special instructions.

4. Application of Manual to Civil Affairs

a. Military commanders must sometimes administer friendly territory as well as govern occupied territory. A commander should not, usually perform governmental functions in friendly territory unless a civil affairs agreement has been made. Sometimes, however, the situation does not allow the conclusion of a formal agreement with the government of the area concerned. For example, the

government of the friendly territory may have been completely suppressed by the enemy and there is thus no government with which to deal. In such cases, commanders will exercise military government until a civil affairs agreement has been made, recognizing that the military government is only a temporary measure. Civil affairs administration under an agreement to that effect is also provisional in nature. It should be conducted in a way to return all governmental functions to the lawful government as soon as possible. Since the territory involved is not hostile, it is not considered to be occupied.

b. The same military organization employed to conduct military government is used to conduct civil affairs.

c. A civil affairs operation may exist in allied and friendly areas prior to hostilities, throughout a series of campaigns; or during the post-hostilities period so long as military necessity requires and agreements provide for such operations. The commander may expect the size of his civil affairs responsibility to increase as additional friendly areas are freed from enemy occupation. Civil affairs operations must closely follow a sound long-range civil affairs plan as well as consistent policies to be successful. Whenever possible, solutions to problems, including those arising from combat within the area, should be dealt with in the civil affairs agreement.

d. A civil affairs agreement between the United States and a liberated country may include—

- (1) Authority for the United States military commander to take emergency measures dictated by the necessities of the military situation.
- (2) Definition of the relations between the local government and the U. S. forces to include liaison at all levels.
- (3) The extent of jurisdiction, if any, which U. S. forces are to exercise over the civilian population.
- (4) Details of military and civilian supplies or services which each government will furnish to the other.
- (5) The disposition of war materiel and captured enemy property.
- (6) Fiscal arrangements including the currency to be used in the area concerned.
- (7) Authority and procedure for the procurement of local civilian supplies, facilities, and services by the U. S. forces.
- (8) The status of U. S. forces in the country concerned, including such matters as immunity from local jurisdiction, taxes, and customs exemptions, payment of claims, and freedom from fiscal controls.

e. Civil affairs relations are influenced by the fact that diplomatic relations between the United States and the government of the area will usually be in existence. Thus, there is another representative of the executive branch of the U. S. Government present in the area. Relations between the senior U. S. commander and the U. S. ambassador

or diplomatic representative require close coordination and definite delineation of responsibilities and functions, which should properly be accomplished by means of an Executive Order issued by the President of the United States.

f. Since the extent of the authority of the United States in civil affairs situations depends on the terms of a civil affairs agreement and the scope of activities will vary in each different time and place it is impossible to outline a standard form of civil affairs operations.

5. Objectives

a. The effective conduct of civil affairs/military government operations will accomplish the following objectives before, during, and after combat:

- (1) *Support of military operations.* Emergency conditions arising in modern war require vigorous action to maintain public order. The necessity for prevention of disease and unrest which would prejudice the military mission, and the use of local resources for combat support purposes, demonstrate both the military nature of and the requirement for civil affairs/military government activities.
- (2) *Fulfillment of obligations arising from treaty, agreement, or customary international law.* Regardless of the circumstances under which U. S. Armed Forces are employed in other countries, international law imposes on the military commander obligations concerning civil popu-

lations, governments, and economies. These obligations are usually defined in the case of civil affairs by the terms of the civil affairs agreement and in the case of military government by the international law of war. Reference should be made to the appropriate civil affairs agreement, the Hague Conventions of 1907, the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 (DA Pam 27-1), FM 27-10 (The Law of Land Warfare), and other applicable documents and authorities. The United States Government is committed to an exemplary discharge of its responsibilities, and faithful observance of its international obligations is required of its agents and representatives.

- (3) *Support and implementation of national policies.* The pattern and goals of civil affairs/military government operations in any country depend on our national policy. The development of this policy is primarily the responsibility of nonmilitary agencies, but is initially put into effect by the Armed Forces. The commander must ask for guidance, when it is not provided in enough detail to serve as the basis for planning to accomplish the political objective.
- (4) *Transfer of responsibility from military to a civil agency.* When hostilities end

CAMG functions normally should be transferred from military to civil authority as rapidly as the situation will permit. This transfer will require careful advance consideration and planning.

b. Successful accomplishment of the objectives in large part depend on—

- (1) Adequate plans, at all levels, reciting departmental guidance as well as policy decisions and such detailed directions as the local situation may require.
- (2) Qualified CAMG personnel selected to insure representation of the high order to which the United States is entitled. Excellence of character as well as technical or professional ability are prerequisites to selection.

6. Principles

The following general principles apply to all civil affairs and military government operations. They may be used as the basis for initial and interim planning purposes when specific policy guidance is not available.

a. *Military Necessity.* The principle of military necessity permits a belligerent to apply only that degree and kind of regulated force, not otherwise prohibited by the laws of war, required to achieve the partial or complete submission of the enemy with the least possible expenditure of time, life, and physical resources.

b. *Humanity.* The principle of humanity prohibits the use of any degree of violence not actually

necessary for the purpose of the war. War is not an excuse for ignoring established humanitarian principles. To a large extent these principles have been given concrete form in the law of war; but because all of these principles have not become legal rules, a military commander must consider whether a proposed course of action will be humane even though not expressly prohibited by international law (FM 27-10).

c. Benefit of the Governed. Subject to the requirements of the military situation, the principle of governing for the benefit of the governed should be observed. The civil affairs/military government organization performs for the commander those obligations imposed by treaty or international law respecting the government and inhabitants of territory in which the armed forces are employed.

d. Reciprocal Responsibilities. The commander of an occupying force has the right, within the limits set by international law, to demand and enforce such obedience from the inhabitants of an occupied area as may be necessary for the accomplishment of his mission and the proper administration of the area. In return for such obedience, the inhabitants have a right to freedom from unnecessary interference with their individual liberty and property rights. The reciprocal responsibilities under a civil affairs agreement are as set forth therein.

e. Command Responsibility. The military nature of CAMG operations requires that responsibility and authority for the establishment and conduct

of those activities be vested in the senior commander. The military commander must be guided by directives from higher authority, national policies, applicable treaties, agreements, and customary international law. Commanders of commands established by the Secretary of Defense may delegate their authority for CAMG, but normally that delegation should not extend below the commanders of front line divisions except to the extent necessary to initiate CAMG operations.

f. Support of the Commander's Mission. All CAMG operations must support the commander's politico-military mission.

g. Continuity of Policy. In order to insure continuity, it is essential that overall policy be developed at governmental or top command levels and transmitted through normal command channels. In an area of operations such policy must issue from the area commander.

h. Continuity of Plans and Operations. The efficiency of CAMG operations, which depends upon a plan, a staff, and an organization, also requires continuity of plans and operations. It is therefore essential that all military plans contain appropriate guidance and direction to insure the accomplishment of the CAMG mission. Continuity of operations is best achieved by execution of these plans, which in certain circumstances, must be adapted to the requirements of the military situation and the capability of the organization.

i. Economy of Personnel. The duties of civil affairs/military government personnel should be

confined wherever possible to supervision over existing or reestablished civilian authorities, thereby affecting economy of personnel.

j. Integration in Combined Operations. In combined operations integration of effort is achieved by exercising CAMG control through a combined command as opposed to establishing separate national spheres of influence. Integration of personnel may be affected at all command levels but should not extend to the command of CAMG units of one nation by officers of another.

7. Policies

a. General. The pattern and objectives of CAMG operations in any country will depend upon such variables as U. S. foreign policy, the requirements of the military situation, participation of allies, the nature of the enemy and other related factors. The policies set forth herein are limited to those generally acceptable in any operation. It must be anticipated that specific policies to be followed in a country may not be available until after the outbreak of war and that commanders should, in the interest of detailed planning, request timely guidance as the need becomes evident.

b. Government. It will normally be the ultimate objective of an occupation to leave behind government oriented in Western democratic principles and which will not be a threat to future peace and world stability. This may best be accomplished through the establishment of an efficient and popularly accepted government, stable economic and financial conditions, and respect for law and order.

Normally it will be the policy of an occupation to allow the maximum political freedom consistent with military security and public order.

c. Treatment of Population.

- (1) Under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (hereinafter referred to as Geneva Civilian Convention of 1949) fair, just and reasonable treatment of inhabitants of occupied areas is required. It is an essential basis of military policy if politico-military-economic objectives are to be achieved and the occupation is to be successful in that the inhabitants do not become either future enemies or permanent liabilities. Such treatment encourages the support and cooperation of the inhabitants and thereby reduces the effort of the occupant. This policy does not prohibit necessary punitive and disciplinary measures essential to good order but does forbid recourse to capricious or unnecessarily harsh treatment.
- (2) Under the Geneva Civilian Convention of 1949, no protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are

prohibited. The taking of hostages is prohibited.

Note. The term protected persons may be generally defined as nationals of a Party to the Geneva Civilian Convention of 1949 who, at a given moment and in any manner whatsoever, find themselves, in case of conflict or occupation, in the hands of a Party to a conflict or Occupying Power of which they are not nationals (art. 4, Geneva Civilian Convention of 1949).

- (3) The importance of the recognition of human rights such as respect for private and property rights, the sanctity of marriage, the inviolability of the home, and freedom of religious worship cannot be overemphasized. In the course of combat it may not be possible to give full recognition to some of these rights. For example, the security of the military mission may be jeopardized, unless restrictions are placed on the movement of the population.

d. Respect for Existing Laws. Belligerent occupation is a temporary rule; the occupant, who exercises military government, does not have all the powers of a sovereign. Under international law, the laws of a country remain in force during an occupation subject to certain exceptions. The occupant must respect the existing law "unless absolutely prevented" (art 43, Hague Regulations of 1907). Penal laws may be repealed or suspended only in cases where they constitute a threat to the occupant's security or an obstacle to the applica-

tion of the Geneva Civilian Convention of 1949 (art 64) ; e. g., those penal laws repugnant to the humanitarian principles of the convention. The extent to which laws are to be suspended or abrogated by the United States in occupied territory is a matter to be determined at governmental level and will be prescribed in directives to the senior U. S. commander.

e. Retention or Removal of Government Personnel.

- (1) Military government should be carried on through local officials and administrative organizations as much as possible. Persons thus employed should be reliable, qualified, and respected by the community and should be willing to comply with directives; they should be protected from hostile elements in the population. Military government personnel should avoid acting as operating officials of the civil government but should rely, to the maximum extent possible, on the services of personnel of the occupied territory.
- (2) Immediate convenience ordinarily points to the retention of administrative personnel; presumably they will know their jobs and can carry on essential activities. It may be, however, that virtually every officeholder and employee in the existing government is either overtly hostile to the occupying forces or is so intimately associated with an organization opposed to

the occupation that his removal is called for. It is recognized that the occupant may lawfully remove public officials from their posts. However, the occupant may not in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience (art. 54, Geneva Civilian Convention of 1949). The policy regarding removal should be prescribed in a directive to the senior U. S. commander. Where officeholders are automatically retained, it will ordinarily be desirable to make clear to the community that this is only a provisional arrangement for immediate administrative convenience and implies no approval or condonation of such persons.

- (3) The occupying power may compel persons, including public officials, to perform work which is necessary either for the needs of the army of occupation, or for the public utility services, burying military and civilian dead, or for feeding, sheltering, clothing, transportation, or health of the population of the occupied country. The limitations on such work prescribed in article 51, Geneva Civilian Convention of 1949 will be observed.

f. Economic Policies.

- (1) Both self-interest and concern for the welfare of the occupied country will lead

the United States, as occupant, to adopt a comprehensive economic policy. The outlines of this policy will be set forth in the directive to the senior U. S. commander. Government departments other than the Department of Defense and the Department of State will have an important concern in these matters. For example, so far as such a highly technical matter as the control of currency is concerned, it is to be expected that the Treasury Department will share in framing the directive and will maintain a continuing interest in its execution. It should be remembered that fiscal and various other economic measures of an occupation have significant consequences in the home country of the occupying force.

- (2) The revival of the domestic economy of the occupied territory will, according to the limitations set out in the Theater CAMG directive, be an objective of the occupation. The effort has several ends—the well-being of the local population, the provision of supplies for the armed forces, and the reduction of the burden on United States and allied shipping. The directive to the senior U. S. commander should specify the level at which the local economy should be assisted, maintained, rehabilitated or restored. The restoration of a war shattered economy, even to the modest extent attainable during an occu-

pation, runs into numerous elements, such as the repair of factories and the salvaging of equipment; the provision of credit; and the restoration of channels of distribution. Comparable measures must be taken to restore agricultural production.

- (3) The maintenance of as sound a currency as the circumstances permit will be one of the tasks of the occupant. The occupant may be able to count upon a national bank of issue to provide the requisite currency, or may find it necessary to provide a financial agency and to issue occupation currency. The occupant should insure the stability of any currency that it may issue and should take other measures to prevent inflation. A military government, like other governments, may be called upon to devise and administer policies for managing the currency, and must prepare plans to that end.
- (4) Taxes must be collected for the support of the government of the area concerned. In the conditions to be expected in the wake of combat, this task calls for resourcefulness. Military government personnel should be prepared to give direction to this effort.
- (5) The impact of military procurement on the economy of an area requires close coordination between CAMG and our

military organizations taking supplies from the area. Procedures must be prescribed for the procurement of facilities, utilities, services, including direct hire labor, and supplies. Wherever practicable, procurement and payment should be effected through the action of the local government. It is the practice of the United States to refrain from the local procurement of supplies and facilities unless they are surplus to minimum local needs. International law likewise imposes certain restrictions both on the type and quantity of property which may be requisitioned. For example, the occupant may not requisition foodstuffs, medical supplies, or other necessary articles for use by the occupation forces and administrative personnel without taking into account the requirements of the civilian population (art. 55, Geneva Civilian Convention of 1949). Requisitioning of supplies and facilities in occupied territory is governed by Article 52 of the Hague Regulations of 1907 and by Articles 55 and 57 of the Geneva Civilian Convention of 1949.

g. Health of Inhabitants of Occupied Areas. Health of civilians is safeguarded to protect troops and to minimize relief measures required. For details concerning this policy, see paragraph 24d.

h. Protection of Cultural Objects.

(1) United States armed forces will take nec-

essary measures for the preservation of historical, cultural, and scientific properties in an enemy territory. CAMG personnel have principal responsibility for these activities.

- (2) Cultural property is defined as any property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, archaeological sites, buildings which are of historical or artistic interest; works of art; manuscripts, books, and other objects of artistic, historical or archaeological interest; scientific collections and important collections of books or archives or of reproductions of the property defined above. Buildings used for religious purposes are included in the protected category.
- (3) Armed forces are bound to refrain from any use of the property and its immediate surroundings for purposes which are likely to expose it to destruction or damage, and to refrain from any act of hostility directed against such property. These obligations may be waived only in cases where military necessity imperatively requires such a waiver. Armed forces also undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage, or misappropriation of, and any acts of vandalism directed

against cultural property and religious edifices (FM 27-10).

i. Protection of Archives and Records. Archives and records, both current and historical, of all branches of government of the area are of immediate and continuing interest to the local government and to the military. It is essential to locate and protect them.

8. International Law

The general principles of customary international law and applicable international agreements will be faithfully observed in the conduct of both civil affairs and military government (FM 27-10). The most important treaty provisions on the conduct of belligerent occupation are to be found in the Hague Regulations Respecting the Law and Customs of War on Land of 1907 and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 (DA Pam 27-1, Treaties Governing Land Warfare, Nov. 1956). It is particularly important that CAMG personnel have a thorough understanding of this latter international agreement since it is one of the primary legal sources governing the conduct of relations with the populations of belligerent and occupied territories.

CHAPTER II

CONDUCT OF CIVIL AFFAIRS/MILITARY GOVERNMENT

9. General

Civil affairs/military government operations bring out the importance of resourcefulness and adaptability in coping with the variety of situations that may be encountered. Each operation must respond to the situation as it presents itself. Each operation will be governed by the objectives established for it; they result from a comprehensive view of governmental policy. Efficiency of operations depends upon the establishment and maintenance of consistent policies; consistency is attained, however, not by rigid patterns of operations, but by rigorous analysis followed by discriminating response to the essential elements of each situation. The following discussion does not exhaust the catalog of possible situations. An emergency, it is to be expected, will bring problems involving new factors of major significance.

10. Occupations Conducted by International Forces

a. If United States forces which are operating in conjunction with troops of other countries occupy enemy territory, the military government of the area concerned may become an international responsibility. In an international command, mili-

tary government planning and supervision may therefore be carried out through an integrated military government staff.

b. Directives covering broad aims and policies for the initiation or conduct of CAMG operations by a combined or allied command are promulgated preferably by a higher international policy-forming body. If such an organization is not in existence or if international representation is not to be supplied at the headquarters of a combined or allied command, an advisory or consultative body may be established for the purpose of furnishing policy guidance and effecting coordination with the governments concerned. The composition of this body is not limited to representatives of allied nations responsible for the conduct of the operation; it may include representatives of other nations not participating in, but concerned with, the operation.

c. The division of occupied territory into zones to be administered by separate states should be avoided. A satisfactory solution cannot be reached by the establishment of a control commission or similar organization to deal with matters common to all of such zones. Disparity in policy and practice is inevitable in zonal administrations. The resulting lack of uniformity will be severely damaging to the success of the occupation. Zonal boundaries tend to harden into international boundaries, and establishment of zones may eventually lead to the dismemberment of an occupied country. Occupied countries thus divided into zones eventually become international sore spots.

11. Phases of Operation

a. *Mobile Situations.*

- (1) During combat CAMG units will support the combat forces by taking appropriate control measures for the prevention of disease, famine, and disorder, the collection of prohibited articles, and the control of civilian movement, all of which are typical of the matters of immediate and urgent importance. Since uniformity and continuity of method are essential to the success of CAMG operations, tactical commanders exercising area authority must adhere closely to the overall plan established for CAMG operations.
- (2) In rear areas, the program will be developed as circumstances permit; a more substantial organization may be necessary to perform the various CAMG functions. Subject to policy directives, efforts will be directed to restoring the normal functioning of the local administration, under appropriate control, rather than direct administration by the CAMG organization.

b. *Static Situations.* After active combat has ceased, requirements of the military situation are greatly diminished; considerations of long range policy become dominant. Plans for reformation or restoration of the institutions of the occupied country can now be put into full effect. It becomes possible to adopt a policy of greater liberality to-

ward the inhabitants. Consistent with established policy for the occupation, a sound indigenous administration is developed and confirmed in the exercise of responsibility, always subject to the paramount authority of the occupant. An informed populace capable of self-government is fostered by means of newspapers representing various opinions, by permitting public discussion and the formation of acceptable political parties as rapidly as is practicable, and in due season by the holding of free elections. Measures will be shaped toward the transfer of authority to a local civil agency according to directive.

12. Armistices

Hostilities are often terminated by the conclusion of an armistice. Although armistice agreements are normally signed by military officers, their political importance is such that the Department of State and other nonmilitary departments of the Government have a significant interest in their terms. When an occupation is to follow the conclusion of an armistice, the agreement will contain provisions as to the powers of the occupant and the obligations of the government submitting. It is important that these provisions be chosen with foresight and drafted with skill and that consideration be given to economic and political matters as well as those which are of a strictly military character. Inadvertence may result in hindering the occupation authorities; ambiguity may embarrass; needless severity may produce a reaction against the government that dictated the terms.

13. Treatment of Situation Where Hostile Government Submits

The discussion of phases of military government operations, above, made no assumption as to whether the national government of the enemy came under the control of the occupant at the conclusion of active combat. A submission of the government might not have occurred; the enemy government might have yielded only a portion of its territory to the occupant; or, although the entire country was occupied, the enemy government itself might have withdrawn into exile. Where the national government of the enemy has come within the power of the occupant, the question arises, how to treat the resulting situation. Broadly, three possibilities are conceivable—to replace completely the existing government and build a new structure; to accept it as the starting point for further developments; or to install new and acceptable personnel throughout the existing framework of government. Various courses may be devised within each of these broad possibilities. The choice to be followed is a matter of highest policy. Officers coming into contact with the situation here discussed should be cautious to avoid any unwarranted action that might seem to prejudice this freedom of choice. The training of personnel should prepare them to function with ready understanding in the execution of any course that may be adopted.

14. Replacing the Defeated Government and Building a New Structure

This course should be adopted only as a last resort. It should be necessary only if the old regime has completely collapsed or if it is so hostile or such a threat to the peace that it cannot be allowed to exist. This extreme treatment would necessitate a protracted occupation and a deep commitment by the occupying power. The obstacles to success are obvious and grave. In any case where so fundamental a reconstruction is contemplated, the occupational personnel requires very special preparation.

15. Proceeding With the Defeated Government

The government that has submitted may be accepted tentatively as the basis for further development, under the control of the occupying power. Individuals whose past gives no promise of useful service will be excluded from office. A program may be inaugurated looking toward the strengthening of the administration, the reform of political institutions, and the development of responsible self-government. It does not follow, from the fact that the occupant provisionally has accepted the defeated government, or even from the further fact that this government may have become a cobelligerent, that the occupant is bound to give it unqualified support. This sort of acceptance does not necessarily imply approval or condonation. Its significance may be simply that in working toward ultimate objectives, the government already in

being has been found to be the most convenient base from which to start.

16. Installing New Personnel Within the Existing Framework of Government

By this approach the members of the defeated government would forthwith be turned out and a new group acceptable to the occupant would be installed in the offices of government. This course might be adopted in favor of the leaders of an underground movement or a committee of national liberation. A major concern, in considering such a course, must be the question whether a group thus installed would command the support of the country and give the best promise of achieving permanently satisfactory conditions. This device should be adopted only for the most compelling reasons.

17. Lesser Degrees of Control by Military Government

a. Territory is considered occupied by the United States when U. S. Forces have taken firm possession of such territory for the purpose of holding it. The number of troops necessary to maintain the authority of the occupant will depend on the density of the population, its degree of subservience to the occupant, the nature of the terrain, and similar considerations. It is not necessary that troops be physically present in all quarters of the occupied territory; it is sufficient that the occupying forces can, within a reasonable time, send detachments of troops to make the occupant's authority felt within the district. However, a mere

proclamation that certain areas are occupied (a so-called "paper-occupation") is not sufficient to establish occupation.

b. As indicated above, limited occupation forces may suffice to establish authority over an area. Similarly, the occupant may need to assume only a minimum of military government functions if the local government is effective and not hostile to the occupant. It is important that the military government should adapt itself to such a situation and that it should not undertake all of the measures of control and supervision which may be necessary in less stable areas.

18. Financial Obligations

Although the claims service is not a CAMG responsibility, every effort should be made to help get United States debts to the inhabitants paid as quickly as possible. Claims referred to CAMG by mistake should be transferred to the claims service. This directly affects the CAMG operation. With claims as with requisitions, failure to pay the inhabitants promptly may cause hardship and leave a resentful feeling which works against United States interests.

19. Directives

a. Directives at all levels for the conduct of CAMG operations provide the basis for the development of detailed plans by staff and operational units. It is essential that these directives be both timely and adequate. Like all directives they are

dependent upon clarity, completeness, and conciseness for their effective implementation.

b. The success of a CAMG operation is largely dependent upon the extent to which it is an integral and organic part of the broader military operation. Because CAMG operations inevitably affect all agencies and echelons of command, the orders which pertain to those operations should be coordinated, supervised, and discharged in the same manner as for any other operation.

c. The form in which CAMG directives are issued may be prescribed by the issuing authority. However, it is desirable, because they affect all agencies and echelons of command, that their dissemination be by annexes to operations or administrative orders.

d. All echelons concerned with CAMG operations must anticipate that the direction furnished, of necessity, may be limited as to detail or dependent upon information from operating units. It is incumbent upon all CAMG staff sections and units to maintain appropriate liaison and develop checklists, particularly of policy matters, in order to insure that policy direction is available.

20. Planning

a. *General.* The successful accomplishment of national objectives in military operations in which United States armed forces participate depends in large part on the recognition of the necessity for prior planning at the area of operations level for the conduct of CAMG operations. Since de-

tailed prior planning is also essential at all echelons of command within the area of operations, the area or senior United States commander must provide an overall CAMG plan for the guidance of his subordinate commanders in order to prescribe the objectives of CAMG operations and insure continuity of policies and uniformity of their application. Although responsibility for the conduct of CAMG activities should be transferred to a designated United States or allied civil agency of government as quickly as the military situation permits, the area of operations plan should insure that authority and responsibility for CAMG activities during military operations are vested in military commanders and not divided between military and civil agencies.

b. Development of Area of Operations Plan. The military force serves primarily as an instrument of national policy in the attainment of political objectives. Accordingly, the area or senior United States commander insures that primary attention is given in the preparation of his plan to the politico-military-economic objectives received from the appropriate Department of Defense authority and to limitations which may be imposed by the rules of customary international law, or terms of treaty or agreement. As applicable, consideration is given in the development of the overall CAMG plan to the mission of the command; policy guidance received from higher authority on political, economic, and sociological matters; the type of operation, e. g., whether civil

affairs or military government; and the degree of control or influence to be exerted over local agencies of government. The preparation of the overall CAMG plan necessitates a determination of the precise depth of area to which the military operation will penetrate. A detailed prior study must be made of area intelligence to include geographical and economic features; the density and composition of the population; forms and levels of government; and attitudes, customs and traditions of the people. Information on sources of area intelligence is contained in FM 41-10.

c. Content of Area of Operations Plan. The overall area CAMG plan prescribes the objectives of operations; specifies the depth and extent of the area to be covered by projected operations; provides information on the anticipated phasing of the operation; furnishes guidance on the delegation of CAMG authority to the commanders of major tactical and administrative commands; establishes the CAMG organization and requirements for units; and includes direction on the deployment of command and area support units. The overall plan furnishes general instructions on the conduct of relationships with national or local civilian authorities and the degree of control, influence, or supervision to be utilized. Policies are set forth pertaining to the conduct of the various CAMG functional specialties and the levels of government at which they will be conducted. Guidance is also included on the extent of procurement of local supplies, equipment, real estate and serv-

ices for military use, the furnishing of civilian relief, economic and military aid from United States resources, off-shore procurement, and on other matters essential to the conduct of CAMG operations. When projected operations are to extend into the territory of two or more nations, variations of objectives and policies with respect to each nation necessitate clear differentiation in plans. Planning for the deployment of units should stress simplicity and flexibility so that unforeseen requirements can be met readily with minimum disruption of the planned organization.

d. Implementation of Area of Operations Plan. Since Army Forces have the unique capability of providing control of the enemy's land areas and the population therein, and enforcing surrender terms after victory has been assured, the implementation of the CAMG portions of the area plan is normally an Army responsibility. The area of operations or senior United States commander insures that subordinate commanders can implement the CAMG portions of the area of operations plan by insuring that qualified personnel are provided for the staffs and augmentations thereto of subordinate commands, providing command and area support units for deployment at the required time and place in accordance with the overall area of operations plan, and insuring the timely issuance of the area of operations plan.

e. Planning Procedures. Planning procedures to include the formulation of plans, coordination in the preparation of plans, assignment of plan-

ning tasks, determination of planning phases and programs, and the preparation of outline plans are fully described in FM 101-5. Planning for the conduct of CAMG operations, which is a continuous process, consists primarily of three basic steps.

- (1) Compilation of essential information and data relative to missions and proposed actions of the commands concerned.
- (2) Analysis and evaluation of assembled information to determine feasibility, capability, and method of accomplishing the stated objectives.
- (3) Preparation and dissemination of plans, directives, orders, and instructions necessary for subordinate units to plan for and execute the functions involved in their CAMG operations.

f. Planning Considerations. At all concerned echelons of command, plans for the conduct of CAMG operations must include areas beyond the immediate lines of communication and combat front and extend in depth to the limit of objectives of Army Forces. In addition, plans are made to conduct CAMG operations in areas abandoned by the enemy even though Army Forces may not have to engage the enemy to gain such areas. At all echelons of command planning consideration is given to—

- (1) Manner in which CAMG operations may best contribute to the overall mission of the command.

- (2) Coordination of CAMG activities with tactical operations.
- (3) Requirements of CAMG operations for troop unit and administrative support.
- (4) Ability of and extent to which the command can support CAMG operations.

21. Reporting

The importance of keeping up a flow of information on the progress of operations should be instilled in all personnel. This injunction applies especially to the initial period of any operation. The problems to be met will be urgent and absorbing, the practical difficulties enormous, and the channels of communication will be jammed. In the meantime an increasing need for information will be building up in higher headquarters. Higher headquarters need at all times to have an accurate understanding of the entire situation. Any difficulty likely to become acute should promptly be made known, in order that timely measures may be taken.

22. Political Advisers

The Department of State is the Government agency primarily charged with the formulation and implementation of foreign policy. For this reason, a political adviser, from the Department of State, is usually available to assist an area of operations commander or other military commander having military government or civil affairs responsibilities. He advises the commander on such matters as the government in a particular country

with which the U. S. Armed Forces will deal and relations with other countries, particularly neutral nations and nations allied with the United States. Contact between the CAMG staff sections and the office of the political adviser should be habitual and informal; it should be characterized by mutual confidence.

CHAPTER III

CIVIL AFFAIRS/MILITARY GOVERNMENT FUNCTIONS

23. General

a. The functions described in this chapter are a part of the activities involved in the administration of a CAMG operation. The functions deal with governmental, economic, public facilities, and sociological matters and it is within these broad categories that the functions are broken down into the specialties discussed below. It is again emphasized that these functions are identical for both civil affairs and military government, but the degree of concern with the function will vary between the two operations.

b. The existing organization of the civil government in the area of operations will effect the internal organization of CAMG staff sections and units. Generally, it is desirable that a staff section or unit be organized so as to conform with the governmental structure of the area. This inherent flexibility of organization does not require that a staff or unit should be tailored to fit the characteristics of each particular area where it may operate.

c. Set forth below are broad categories in which functions are usually grouped. The listing of particular items under each functional specialty is

for purposes of illustration and is not intended to be all-inclusive. The definition of particular functions and their assignment to particular subsections of a staff or to particular functional teams must not be taken to imply an exclusive interest in the matter. Every function is in some degree related to every other function. In actual operation, the grouping is rearranged to match local conditions. For the purpose of organization and training, the functions may be grouped under the following categories:

- (1) Governmental Functions (7)
 - (a) Legal
 - (b) Public Safety
 - (c) Public Health
 - (d) Public Welfare
 - (e) Public Finance
 - (f) Public Education
 - (g) Labor
- (2) Economic Functions (6)
 - (a) Economics
 - (b) Commerce and Industry
 - (c) Food and Agriculture
 - (d) Price Control and Rationing
 - (e) Property Control
 - (f) Civilian Supply
- (3) Public Facilities Functions (3)
 - (a) Public Works and Utilities
 - (b) Public Communications
 - (c) Public Transportation
- (4) Special Functions (3)
 - (a) Civil Information

(b) Displaced Persons

(c) Arts, Monuments, and Archives

24. Governmental Functions

Included in this grouping of specialist functions are those dealing with matters which are normally or customarily activities of government. The general areas of concern include the organization and conduct of local government; knowledge of local history and governmental practices; political activities; review and correction of actions of civil officials in accordance with competent directives; and implementation of policy decisions with respect to control or relationship with government in the area of operations.

a. Legal. Since civil affairs and military government operations must be carried out in accordance with international law, and the civil affairs agreement if applicable, the CAMG Staff Officer needs constant legal advice. Although the legal section of the staff is principally concerned with supervision and organization of courts and other legal agencies, the section also gives advice to the CAMG Staff Officer and his staff and to the rest of the commander's staff when requested. Primary responsibility for advising the commander and his staff remains with the Judge Advocate of the command, and when basic legal policy is set by the commander, the Judge Advocate is consulted. Within the framework of this policy, the CAMG legal staff handles routine legal matters.

Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Translation of the legal aspect of CAMG operations into plans and directives.
- (2) Analysis and interpretation of the civil and criminal laws of the territory.
- (3) Study of the organization of the judicial system including determination of legal status and jurisdiction of civil courts and law.
- (4) Review of the local organization of the bar and determination of reliability of its members.
- (5) Examination of locally accepted forms of judicial procedure including rules of evidence and rights of the accused.
- (6) Furnishing assistance to commanders and staffs in the preparation of proclamations, ordinances, orders and directives, and as otherwise may be required.
- (7) The establishment of necessary military government courts including their number, types, jurisdiction, procedures, and delegation of appointing authority.
- (8) The closing or reopening of local courts, their jurisdiction, and the class of cases which may be tried therein.
- (9) Recommendations concerning the suspension or abrogation of laws and procedural rules applicable to the local courts.
- (10) Recommendations concerning the alteration, suspension, or promulgation of laws

to include civil legislation for the government of a country or part thereof. It may also be necessary to put into effect laws which are necessary for the control of the country and the protection of our forces. These laws, provided they are in conformity with the Geneva Civilian Convention of 1949, may establish new crimes and offenses incident to a state of war.

- (11) Supervision of administration of civil and criminal laws by local officials.
- (12) Furnishing members to military government courts.
- (13) Review or administrative examination of cases tried in military government courts before referral to SJAG for final review.

b. Public Safety. This function is basic in CAMG operations and includes, in addition to the establishment and maintenance of public order and safety, the coordination of civil defense plans and measures with the military plans for rear area defense and damage control. This function imposes on commanders, their staffs, and CAMG units, such responsibilities as—

- (1) Examination of the customary method of announcing regulations concerning conduct of the people and of those law enforcement methods having traditional respect among the civilian population.
- (2) Study of the organization, capabilities, equipment, and functioning of existing

law and order, civilian defense and fire-fighting agencies.

- (3) Analysis of the character of the population with respect to orderliness and obedience to law.
- (4) Coordination with Counterintelligence Corps personnel functions for the prevention and detection of espionage, sabotage, subversion, and civilian aid to guerilla activities.
- (5) Preparation of plans, procedures and recommendations for restoring law and order and supervising those civilian agencies which enforce law and maintain order with particular attention to looting, rioting, control of liquor and narcotics, collection and disposition of weapons, explosives and implements of war in the hands of civilians, and the enforcement of regulatory and other measures of the occupant.
- (6) Establishment, supervision, and strengthening of existing local organizations for civilian safety and protection in order to provide for air-raid warning, black-out shelter, fire fighting, evacuation, demolition, and related activities.
- (7) Coordination and integration of civilian defense measures with military defense and area damage control plans, and supervision of instruction and direction of civilians in the overall plan.

- (8) Recommendations for the employment of military police or tactical troops where civilian police cannot be used and for the detail of military personnel to perform certain police functions, e. g., guarding key power installations, suppressing civil disturbances, enforcement activities and counterguerilla measures.
- (9) Enforcement of orders relating to the control of the civil population.
- (10) Supervision of administration of jails and prisons.
- (11) Requisitioning and issuance of required police and fire department equipment in accordance with approved policies.
- (12) Arrangements for aircraft warning service and other military assistance for civilian protection and the performance of disaster duty when necessary.
- (13) Supervise screening of government employees and public officials.

c. Public Health. This function is concerned with measures to preserve or restore the state of public health and to protect the health of the occupying forces. Due to the changed nature of modern war, it has now been provided by the Geneva Civilian Convention of 1949 that belligerents must protect the wounded, sick, aged, children, and expectant mothers from the effects of war. This Convention also provides that civilian hospitals and medical transportation facilities are entitled to the same protection from attack as is

provided for military medical units and facilities. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Analysis of organization and functions of public health and sanitation agencies.
- (2) Determination as to adequacy of medical, paramedical and auxiliary personnel, medical and sanitation facilities and preparation of estimates of requirements for additional medical personnel, medical supplies, and materials required to maintain minimum sanitation facilities.
- (3) Provisions for the prevention, control, and treatment of epidemic disease, e. g., malaria and insect control.
- (4) Measures for the protection of food and water supplies.
- (5) Measures for the disposal of sewage and waste.
- (6) Arrangements for the treatment of sick and wounded civilians, including provisions for medical assistance by military units when required for humanitarian reasons.
- (7) Promulgation of local orders directing that civilians observe such other medical and sanitary measures as are deemed necessary.
- (8) Supervision of civilian public health officials in the enforcement of public health laws and the performance of public health services.

- (9) Retention, removal, or appointment of public health officials.
- (10) Plans and recommendations for rehabilitation or reconstruction of hospitals and other civilian medical facilities.
- (11) Requisitioning and issuance to civilian medical facilities and sanitation agencies of medical and sanitary supplies.
- (12) Collection and burial of the dead, maintenance of records thereof, and reporting such information as pertains to U. S., allied, and enemy military dead to the nearest graves registration unit.

d. Public Welfare. This function is concerned with emergency and continuing relief measures essential to public order and welfare, including supervision and coordination of relief activities and welfare measures, supervision and control of public and private welfare institutions. The supervisory aspect of public welfare activities is stressed rather than the actual conduct of each. Included are public and private institutions for the care of children, the aged and handicapped and miscellaneous charitable and relief organizations. Commanders having area authority, their staffs, and CAMG units are charged with such matters as the following:

- (1) Analysis of public and private welfare institutions and applicable public law.
- (2) Estimate of requirements for public welfare activities.

- (3) Supervision of administration of public welfare laws and the regulation of public and private charitable institutions.
- (4) Planning for military assistance in public welfare activities.
- (5) Supervision of assisting voluntary agencies and contributions from such sources.
- (6) Preparation and coordination of the public welfare portions of area defense and evacuation plans.

e. Public Finance. This function, while normally identified with government, is of vast importance in the conduct of economic welfare and economic stabilization measures; it assists in reducing support contributions by the United States. It includes control, supervision and audit of fiscal resources, resources budget practices, taxation, expenditures, handling of public funds, currency issues, and the banking agencies and affiliates. It is essential that the function be performed in an integrated and uniform manner within each national area. Commanders having area authority, their staffs and CAMG units may be charged with tasks such as—

- (1) Analysis of taxation system and other sources of revenue, objects of governmental expenditures, and estimate of adequacy of public funds for performance of governmental functions.
- (2) Review of public laws and agencies regulating banking and finance.
- (3) Analysis of financial structures including types and conditions of financial institutions.

- (4) Analysis of types and amounts of circulating currencies, acceptance by population of such currencies, and current foreign exchange rates.
- (5) Recommendations as to designation of type of circulating local currency.
- (6) Recommendations as to provisions for a circulating military currency.
- (7) Recommendations as to establishment of currency exchange rates.
- (8) Establishment and enforcement of restrictions on exportation of currencies.
- (9) Recommendations for control of foreign exchange.
- (10) Establishment of controls over budget, taxation, expenditures, and public funds and determination of appropriate fiscal accounting procedures.
- (11) Reestablishment or revision of taxation system in accordance with policy directives.
- (12) Liquidation, reorganization, opening or closing of banks.
- (13) Supervision over credit and provisions for credit needs.
- (14) Regulation or supervision of governmental fiscal agencies, banks, credit co-operatives, and other financial institutions.
- (15) Recommendations for advances of funds to governmental or private financial institutions.

- (16) Recommendations as to emergency declaration of debt suspensions for specific types of debts.
- (17) Recommendations for protection of public and private financial institutions and safeguarding funds, securities, and financial records.

f. Public Education. This function is concerned with the supervision of educational programs and institutions within the area of operations. This includes the initial closing or reestablishment of schools, determination of curricula, and selection of administrative and instructor personnel. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Survey and analysis of school facilities, applicable laws, courses of study, procedure for training and selection of teachers, and text books.
- (2) Recommendations for changes necessary to comply with national policy, e. g., screening teachers or changing textbooks.
- (3) Determination and enforcement of restrictions on the utilization of the facilities of school buildings, e. g., prohibition against billeting in school buildings when other facilities are available.
- (4) Preparation of procedures to be followed in the supervision of administration and conduct of inspections of schools.
- (5) Requisitioning and issuance of materials and supplies for use in schools.

g. Labor. This function is concerned with the supervision and control of labor organizations as well as governmental agencies dealing with labor matters. In addition CAMG organization effects arrangements by which the labor needs of the military forces are satisfied within prescribed limits. These dual responsibilities combine to make this a function of major importance in which the maximum of coordinating and planning effort is essential. Commanders having area authority, their staffs, and CAMG units are charged, for example, with—

- (1) Plans for use of labor.
- (2) Determination of labor availability for military purposes.
- (3) Review of status and effect of public laws and agencies regulating labor relations.
- (4) Analysis of labor relations including studies of labor organizations and labor relations between employers and employees.
- (5) Determination of extent and means of control or supervision over labor market and labor organizations.
- (6) Recommendations as to priority of utilization of labor in rehabilitation of the economy.
- (7) Recommendations concerning utilization of civilian labor to include—
 - (a) Wage controls including wage scales and schedules of hours of work.

- (b) Labor relations including medical care and compensation.
- (c) Payment of wages.
- (8) Recommendations as to changes in civilian labor law and practices.
- (9) Coordination with governmental labor procurement agencies.

25. Economic Functions

This grouping of specialist functions includes those particularly concerned with economic matters. These functions are significant in the direct support rendered to the military effort and of vital consequence to the ultimate objectives of war. They require decisions from concerned governmental agencies and coordinated planning to insure integration of the functions in the overall operation.

a. *Economics.* This function includes the general matters pertaining to the economy of an area; it coordinates other more specialized economic functions. Commanders having area authority and their staffs, and CAMG units are charged, for example, with—

- (1) Development of plans for the maintenance, preservation, rehabilitation or restoration of the local economy.
- (2) Determination of the availability of the local resources for military use.
- (3) Determination of location, type and availability of natural resources.
- (4) Economic stabilization measures.

- (5) Implementation of economic warfare plans.
- (6) Surveys of public laws and public and private agencies concerned with economic activities.
- (7) Determination of those business activities essential to the continued production and distribution of essential goods and services.
- (8) Compilation and analysis of statistics on domestic and foreign trade.
- (9) Information and advice to local business and commercial institutions concerning policies of the military commander.
- (10) Preparation of requirements for materials to be diverted to military use in accordance with international law, particularly the Geneva Civilian Convention of 1949 and the Hague Regulations Respecting the Laws and Customs of Land Warfare of 1907, and policy guidance published by higher headquarters.
- (11) Determination of specific types of business enterprises including brokerage houses, markets, and banks to be opened or closed, taking into consideration the rules of international law.
- (12) Recommendation for allocation of resources between military and civilian needs and between areas, industries, and plants.

- (13) Bonuses, subsidies, and price adjustments to encourage production and movement of required goods and materials.
- (14) Restrictions on exports or imports.

b. Commerce and Industry. This function is concerned with developing local commerce and industry in accordance with announced objectives, thus coordinating the commercial activities and industrial production of the area. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Surveys of basic and essential commercial activities and industries of the area.
- (2) Surveys of industrial potential.
- (3) Determination of means of production and distribution considered essential for military or civilian use in accordance with policy directives.
- (4) Determination of requirements for machinery, raw materials, and supplies from other than local sources.
- (5) Determinations of means for the development and use of natural resources.
- (6) Measures to insure production of desired products.
- (7) Supervision of commercial and industrial activities to include foreign trading.
- (8) Supervision of natural resources extraction.

c. Food and Agriculture. This function is concerned with the stimulation of food production and

processing so as to reduce requirements for shipment of food products for consumption both by military forces and the civil population. Long range planning may of necessity be subordinated to the need for early production. In general, local customs and farming practices should be considered together with sound agricultural principles. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Surveys of agricultural production, farming methods, conservation of lands and food processing.
- (2) Surveys to determine the location of food surplus and deficit areas.
- (3) Estimate of food requirements, agricultural production, and probable deficit during the period of operations.
- (4) Estimate of requirements for food, fertilizer and farm machinery from other areas or military sources.
- (5) Measures to encourage earliest possible resumption of agricultural production.
- (6) Recommendations as to restrictions on civilian circulation and transportation of nonessential supplies to permit distribution and movement of required agricultural supplies and equipment.
- (7) Recommendations as to measures to avoid requisitioning the labor of farmers during critical periods, e. g., seeding and harvesting of grain crops.

d. Property Control. This function serves to protect property within established limits and to preserve negotiable assets and resources. It is based on a uniform and orderly system for the custody and control of property. Commanders having area authority, their staffs and CAMG units, for example, may be charged with—

- (1) Review of types or classes of property to be taken into custody and analysis of civil laws pertaining to such property.
- (2) Recommendations as to policies and procedures concerning the custody and administration of property.
- (3) Preparation of schedules of property to be placed under military controls as determined by policy directives.
 - (a) Property owned by enemy governments or nationals of those governments.
 - (b) Property of allied governments over which temporary control will be assumed.
 - (c) Private property susceptible of military use.

e. Civilian Supply. "The fullest extent of the means available to it" is the measure of the occupant's duty to maintain food and medical supplies, public health and hygiene in the occupied territory. It should bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate (See arts. 55 and 56 of the Geneva Civilian Convention of 1949). Civilian supply will ordinarily be the cen-

tral problem at the outset of an occupation; it is related to virtually every other function of military government. Efficient and resourceful administration in this regard, probably more than in any other function of military government, will advance all other objectives of the occupation. In addition to emergency relief supplies of whatever source, this function concerns supplies for use in or the enhancement of the civil economy. Goods and services may be requisitioned from governmental organizations and individuals in accordance with the rules of international law. Civilian supplies may also be obtained from adjacent surplus areas, and by voluntary contributions. Types of supplies that may be approved for issue from military stocks consist principally of food, clothing, engineer equipment to insure operation of essential utilities, medical supplies, transportation equipment, fuel, and lubricants. Similar principles govern a civil affairs operation. Commanders having area authority, their staffs, and CAMG units are charged, for example, with the following:

- (1) Planning activities on the basis of strategic-logistic studies.
- (2) Surveys of normal standards of living, including health and dietary factors.
- (3) Review of agricultural and industrial patterns of the area to determine the effects of administrative policies on civilian supplies.
- (4) Estimate of adequacy of available civilian supplies.

- (5) Recommendations as to movements of essential civilian supplies particularly food and fuel, from surplus to deficit areas.
- (6) Recommendations as to supplies which should be made available from military sources and allocations to be made of such supplies.
- (7) Recommendations as to supplies which may be requisitioned from civilian sources for military use in accordance with the rules of international law.
- (8) Coordination to insure transportation facilities for the distribution of civilian supplies.
- (9) Analysis of the organization of collecting and distributing agencies handling essential supplies.
- (10) Requisitioning, drawing, warehousing and accomplishing distribution of civilian supplies, taking into consideration the rules of international law.
- (11) Establishment and maintenance of civilian supply records.
- (12) Liaison with supply agencies to insure that military supplies are provided for civilian use as approved by the commander.

f. Price Control and Rationing. This function includes measures to insure the equitable and effective distribution of essential commodities. Control

of prices, rationing, and other related restrictions are required from the initiation of operations in occupied territory to prevent hoarding, inflation, black-marketing and diversionary activities injurious to the objectives sought. Commanders having area authority, their staffs, and CAMG units are responsible, as examples, for—

- (1) Examination of price control and rationing measures instituted by the existing government to determine extent and effectiveness thereof.
- (2) Measures for correlation and control of rationing and pricing.
- (3) Procedures to control and allocate imported supplies to uses which will further the objectives of the occupation.
- (4) Measures to prevent exportation of supplies needed in the occupied area.
- (5) Restrictions to prevent purchases by troops of supplies required by the civilian population and to prohibit the sale by troops to civilians of items which harm the local economy.
- (6) Determination, by agreement if possible, or by military authority, of the fair value to be paid for requisitioned articles.
- (7) Determination and enforcement of measures for the control of rent and rationing of dwelling space and other scarce real estate.

26. Public Facilities Functions

Included in this group of specialist functions are three somewhat related fields which usually must be dealt with on a national scale. They are particularly important because of their close relationship to and possible direct employment in the military effort.

a. Public Utilities. This function is concerned with the supervision and operation, where required, of such facilities as water, gas, waste disposal, electrical and other power systems and restoration or introduction of such facilities. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate with—

- (1) Survey of the organization and capabilities of key installations including extent of damage.
- (2) Analysis of the organization, functions and authority of regulatory agencies.
- (3) Recommendations as to the desired extent of operation of civilian facilities by military agencies.
- (4) Determination of requirements of public utilities for labor, technical assistance, replacement parts, and fuel.
- (5) Recommendations as to the allocation of public utilities for civilian and military use.
- (6) Supervision of police protection of essential facilities.
- (7) Requisitioning of supplies and materials for use by public utilities.

- (8) Supervision over facilities released from military to civilian control.
- (9) Obtaining essential public utilities services from military sources.

b. Public Communications. This function is concerned with the supervision of the postal services and of those civil communication facilities not under the direct military control of the signal officer. When military government is established the occupant is not required to furnish facilities for postal service, but may take charge of them, especially if the officials of the occupied district fail to act or to obey orders. Commanders having area authority, their staffs and CAMG units are charged, as appropriate, with—

- (1) Analysis of the location, functions, means, and techniques of communication facilities and postal services existing in the territory.
- (2) Study of the organization and administration of civilian communications. For example, postal services are often organized and administered in conjunction with telephone and telegraph services.
- (3) Review of existing international agreements relative to communications.
- (4) Analysis of requirements for communication parts and materials and determination as to whether such requirements can be supplied locally or whether other sources must be utilized.

- (5) Review of the organization, authority, and functions of regulatory bodies.
- (6) Study of requirements for and availability of civilian technical specialists.
- (7) Recommendations as to the extent communication facilities should be controlled, supervised, or operated by the technical services, the CAMG organization, or other units.
- (8) Recommendations, in accordance with policy directives, as to the allocation of communication facilities between military and civilian use and determination of alternate means of communications available to support the local administration in the event facilities are required for military use.
- (9) Control, supervision, or operation, in accordance with established policies, of civil communications facilities and postal services.
- (10) Requisitioning in accordance with policy directives of military supplies and equipment for rehabilitation and operation of communications facilities.
- (11) Recommendations as to measures for protection of essential communications facilities.
- (12) Supervision of return to civilian control of facilities no longer required for military use.

c. Public Transportation. This function is concerned with supervising those transportation facilities which remain under or are transferred to the civil government or private operation. Military operations are more directly dependent on the public transportation system of the area of operations than on any other civilian activity. The railways, highways, and inland waterways form a system of public transportation, and this system must serve our Armed Forces as well as the civilian economy of a country. Consequently direct military control of the system is more characteristic of this function than of any other function. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Survey of the organization, routes, and capacities of the transportation system including extent of damage.
- (2) Analysis of the organization, powers, and functions of regulatory agencies.
- (3) Recommendations as to the desired extent of operation of the civilian transportation system by the military agencies.
- (4) Determination of requirements of civilian transportation system for labor, technical, engineer or other assistance, replacement parts, and fuel.
- (5) Recommendations as to the allocation of transportation facilities for civilian or military use and coordination of such recommendations with the appropriate military agencies, e. g., operation of rail-

ways by the area military railway service or airlines by the Air Force.

- (6) Arrangements for police protection of essential transportation facilities and installations.
- (7) Requisitioning of supplies, fuel, and materials for use by transportation facilities.
- (8) Obtaining minimum essential transportation facilities for civilian use.
- (9) Supervision over facilities released from military to civilian control.

27. Special Functions

These functions deal with people, their rights as individuals, their culture, education, care, protection and control. Planned direction and constant supervision are essential to uniformity of operations and to the successful accomplishment of the tasks within this category.

a. Civil Information. The function of civil information is concerned with the dissemination to the inhabitants of the policies and purpose of the United States, utilizing all available means, such as the press, radio, motion pictures, and postal services. When desired to assist in the conduct of this function, psychological warfare personnel may be attached to CAMG units to support CAMG operations (see FM 33-5). Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Survey and analysis of available information media.

- (2) Studies of the facilities employed to disseminate information to the people, the type and extent of the information disseminated, and the degree of its acceptance by the people.
- (3) Preparation, distribution, and dissemination of information through Armed Forces radio stations and civilian information media.
- (4) Recommending procedures for and conducting supervision of civilian information media, including review and censorship of material to be disseminated.
- (5) Removal of those civilian personnel engaged in the operation of information media who are inimical to the United States or not in sympathy with its policies and objectives.
- (6) Measures for protection of physical facilities of information media, e. g., newspaper plants and radio stations.
- (7) Requisitioning and issuance of supplies including newsprint, ink, and radio parts.
- (8) Coordination of civil information activities.

b. Refugees, Evacuees and Displaced Persons.

This function is concerned with the control, care, repatriation or resettlement of displaced persons, refugees, and evacuees. Consideration must be given during the course of military operations to the deliberate movement by the enemy of refugees, evacuees, and displaced persons into our area of

operations. Failure to control the movement of such persons may seriously interfere with the accomplishment of the tactical mission. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

- (1) Survey and analysis to determine—
 - (a) Estimated numbers of displaced persons, refugees, and evacuees together with routes of movement to selected assembly points.
 - (b) Languages, customs, and attitudes of the people concerned.
 - (c) Adequacy of facilities and local supplies in the area in which such persons will be found.
 - (d) Probable desires of such persons.
 - (e) Attitudes and policies of the governments of the native countries toward such persons.
 - (f) Acceptability of such persons as immigrants to other nations.
- (2) Preparation of plans for control and supervision of the welfare of refugees, displaced persons, and evacuees (movement, housing, feeding, and medical service) and administrative processing thereof.
- (3) Operation and administration of refugee camps and planning for required construction.
- (4) Requisitioning and issuing supplies for support of refugee camps.

c. *Arts, Monuments, and Archives*. In its broad aspects this function seeks to protect the traditional culture, customs and arts of an area. It is specifically concerned with the maintenance or establishment of protective measures for cultural property such as important religious edifices, monuments and movable objects including archeological, historic, scientific and artistic objects and collections (FM 27-10). This function also includes archival duties and tasks concerned with cultural archives as distinguished from governmental and economic records having an intelligence value. The function may include an area of concern with religious and philosophical affairs such as protection of freedom of worship and respect for local customs and traditions. Commanders having area authority, their staffs, and CAMG units are charged, as appropriate, with—

(1) Surveys and preparation of—

- (a) Lists of individual objects of fine arts and monuments known or believed to be in the territory, showing their location and the names of person or organizations having custody thereof.
- (b) Lists of repositories of archives, museums of art, and collections of archives and objects of fine arts showing their locations and caretakers.
- (c) Lists of names of known authorities on fine arts and archives within the country.

- (d) Lists of important religious edifices and shrines, with locations.
- (2) Preparation and publication of directives and instructions concerning the care and protection of fine arts, monuments, and archives.
- (3) Advising commanders and other staff sections concerning fine arts, monuments, archives, and records that are or will be uncovered.
- (4) Locating, identifying and safeguarding objects of fine art, monuments, archives, and religious shrines.
- (5) Determination of restrictions on the use of religious institutions. In the practice of the United States, religious buildings, shrines, and consecrated places employed for worship are used only for aid stations, medical installations, or for the housing of wounded personnel awaiting evacuation, provided in each case that a situation of emergency requires such use.
- (6) Survey and analysis of customs, traditions, and religions of the area and the desires of the civilian population and estimate of their effect on military operations.
- (7) Measures to protect the individual right to freedom of worship and to respect religious convictions and practices.
- (8) Requests to technical services for such logistical support and technical assistance as may be required and authorized.

- (9) Recommendations for the return of property to rightful owners.
- (10) Appropriate marking of protected property with such identifying symbols as may be designated by appropriate authority or international agreement.

CHAPTER IV

ORGANIZATION AND OPERATIONS

28. Organization at Department of Army

a. General. The CAMG function is an integral and pervasive part of modern war; the requirements for planning, training, and related activities are continuing and must be discharged.

b. Department Level. The Office of the Chief of Civil Affairs and Military Government is established as an element of the Army General Staff.

c. Responsibility. The Chief of Civil Affairs and Military Government under the direct supervision and control of the Deputy Chief of Staff for Military Operations exercises general staff supervision over all matters pertaining to—

- (1) Relationships, derived from implied or explicit intergovernmental agreements, between the United States Armed Forces and the government and people of countries in which United States Armed Forces are or may be employed (Civil Affairs).
- (2) The assumption of authority in areas occupied by United States Armed Forces (Military Government).
- (3) The planning, training, and readiness measures requisite to the United States

Army's conduct of civil affairs and military government operations.

- (4) Direction of the Civil Affairs and Military Government Branch (Reserve).

29. Organization in Areas of Operations

a. General. The organization for CAMG in Areas of Operations consists of general staff sections and units. There will be created on the staff of the area of operations commander, a CAMG staff section, on a general staff level. Appropriate sections will also be created on the staffs of subordinate commanders. It is desirable that the area organization be planned for, trained, and manned to the maximum extent possible before it is employed.

b. CAMG Staff Sections.

- (1) The CAMG Section is the staff agency which has primary concern for the planning, coordination, and supervision of CAMG operations and with the conduct of relations between military forces and the civil population.
- (2) During wartime the staff organization for CAMG is on the general staff level at all echelons of command down to and including divisions and comparable commands. On joint staffs the CAMG staff will be given an appropriate joint staff designation.
- (3) During peacetime, the staff organization for CAMG activities should be sufficiently

flexible to meet the particular needs of the command echelon and area in which it operates as determined by the commander. At Army headquarters (or separate corps) of oversea commands, CAMG functions should normally be executed by a separate entity of the general staff. At lower echelons (corps, division, and comparable levels of the communications zone), a CAMG subsection, operating as an element of the G3 section, can effectively perform the required functions until the need for a CAMG staff section has been demonstrated.

- (4) The Chief of the CAMG staff section assists the commander in the exercise of his command by performing the duties prescribed in FM 101-5.
- (5) Standardization of Operations and Logistics (SOLOG) Agreement 41, CAMG Principles of Organization, 9 October 1956, provides that—

British and Canadian Division Headquarters will include a Civil Affairs/Military Government officer and staff section when the division operates under the command of a United States Corps to conform with United States organization. (This will not apply when assignment is of a temporary nature only.) The armies of the three countries will accept the responsibility for appropriate administration and support required by

attached Civil Affairs/Military Government personnel or units of any of the other armies (app. II).

- (6) For further information on CAMG staff organization and procedures, see FM 41-15, FM 41-10, and FM 101-5.

c. Units.

- (1) The Department of the Army operating units for an area of operations consist of Area Headquarters A and B, groups, and companies. Department of the Navy operating units closely parallel groups and companies of the Army (FM 41-15).
- (2) Usually one CAMG school unit is provided for an area of operations to assist in training and retraining missions as required.
- (3) The normal composition of all units is standardized. However, personnel to fulfill exceptional requirements may be requisitioned according to prescribed departmental procedures.

30. Operations

a. General.

- (1) The CAMG mission in any area of operations requires appropriate planning and action prior to and during combat as well as after the cessation of hostilities. It must be anticipated that in this latter period, the conduct of the military government operation will be transferred

from the military to a civil agency, while the conduct of civil affairs operations may become decreasingly important as the local government assumes more of the functions.

- (2) Such a transfer of responsibility does not eliminate the need for planning the operation to its ultimate objective in order to facilitate the transition, nor does it eliminate the continuing need for CAMG staff section to plan and to supervise, although its scope may be limited in accordance with the mission of the command.
- (3) CAMG units within an area of operations will be assigned missions which will require them to provide either command or area support.

b. Command Support. CAMG units that provide command support are assigned or attached to major tactical or administrative units to perform recurring CAMG tasks. When these CAMG units displace, the tasks they perform are turned over to other CAMG units that will remain in place. Usually units furnishing command support are provided on the following basis:

A CAMG group for each Field Army and ComZ.

A CAMG Company for each corps.

A CAMG platoon (part of the CAMG company with a corps) for each division.

c. Area Support. In addition to the CAMG units that provide area support in the communications

zone, other CAMG units provide area support in the combat zone and are assigned or attached to tactical commands to augment those units that provide command support. Such units take over the responsibility for specific areas to perform continuing CAMG function for that area. They remain in place and do not accompany major commands during displacement. Units required for area support are allocated on the basis of such factors as population, the nature of the operation, and the reaction of the populace.

31. Command Channels

The conduct of CAMG operations is subject to either of two channels of command—operational or CAMG. Either or both may be utilized within an area of operations.

a. Operational Chain of Command. The operational chain of command is employed primarily in combat areas where the tactical mission is of paramount concern. In such situations CAMG activities are directed by the tactical commanders to whom area authority for CAMG has been delegated. The commanders of CAMG units engaged in supporting operations receive their directives from the commanders to whom their units are assigned or attached. While insuring a widespread approach to the commander's obligations under international law for public order and safety, this command structure requires more detailed direction to provide both continuity and uniformity of CAMG operations.

b. *CAMG Chain of Command.* The CAMG chain of command is used in areas where subordinate tactical and administrative commanders are not authorized to conduct CAMG operations. In such a situation the senior U. S. commander controls these operations through a unit or staff section which supervises and directs the activities of the CAMG units within its area of concern. It is desirable that CAMG operations be centered in the CAMG organization when the military situation is no longer critical, and prior to the transfer of the operation to a civil agency of government. The factor determining the type of command channel employed is the tactical or occupational nature of the military mission. CAMG chain of command provides the desirable uniformity and continuity of operations not always possible when CAMG is directed by a number of subordinate tactical or administrative commanders. Close command and staff liaison between the commanders of CAMG units and commanders of tactical or administrative units should be maintained when the CAMG chain of command is employed in order to produce coordinated action. The employment of the CAMG chain of command does not deprive tactical and administrative commanders of their organic CAMG staff sections, nor does it relieve them of obligations imposed by treaties, agreements or customary international law to insure that humanitarian or other principles are observed by their troops.

c. *Delegation of Authority.* In all situations the needs for economy of personnel, and for continuity

and uniformity of CAMG operations, limit the number of tactical or administrative commanders to whom area authority for CAMG should be delegated. In general, such delegation should be to those subordinate commanders whose military operations require that they have responsibility within their assigned areas.

- (1) A mobile or unsettled situation favors the delegation of authority for the conduct of CAMG operations to subordinate commanders. In such situations the operational chain of command is employed.
- (2) A static or settled situation favors the retention of military government authority in a higher commander in preparation to the transfer of responsibility to a civil agency of government. When this occurs the CAMG chain of command is employed.

CHAPTER V

PERSONNEL

32. General

The extensive authority, given to personnel of all ranks assigned to CAMG duties, requires a high degree of integrity, honor, judgment and prudence as personal attributes. Under no circumstances should personnel allow themselves to become compromised or indebted, socially or otherwise, to any local individual or group; they should be astute and considerate in all personal relationships. They should conduct themselves with simple dignity, as befits their position and the government they represent. A CAMG operation conducted by or on behalf of Allied governments or by the U. S. alone will follow a pattern as determined by policy decisions. Although personnel may hold differing views on policy decisions, they must insure that such personal opinions neither interfere with the execution of their duties nor are transmitted in any manner to the local populace. If, at the termination of active hostilities, it becomes necessary to assign additional personnel to CAMG units, every effort should be made to select persons best suited to such duties and to give them as adequate preparation as the situation permits. A sudden influx of untrained personnel into CAMG units should be avoided. It is essential that all personnel

engaged in such duties be constantly supervised and their actions observed by competent supervisory personnel.

33. Planning and Procurement

a. General. Each service, to the extent that it is responsible for CAMG operations, will plan for the procurement of personnel for such operations.

b. Personnel Policies. FM 110-10/JANALP (A)/AFM 400-4 will be followed in the matter of personnel policies, with such service modification as may be applicable.

c. Responsibility of Commanders. On the basis of guidance received from higher authority, area of operations commanders estimate their requirements for CAMG units and personnel, and requisition such through prescribed channels in conformance with established procedure. Upon arrival in an area of operations, units and personnel may be immediately employed or may be given additional area training by the Area of Operations CAMG School.

34. Types and Qualifications of Personnel

a. General. The qualifications required by personnel engaged in CAMG operations vary greatly. Most CAMG positions are best filled by personnel qualified by civilian training and experience.

b. Officers. CAMG officers fill four types of positions.

- (1) *CAMG staff section chiefs and deputies.*
These officers should be experienced in

military organizations, tactics, and military staff procedures, and have been trained in CAMG principles, policies, and organization.

- (2) *Functional specialists, Army and higher headquarters.* Functional specialists must be highly qualified through civilian education and experience in the supervision of such functions as economics, governmental controls, public facilities, and special functions as previously enumerated.
- (3) *Unit commanders and executives.* These positions are occupied by trained CAMG officers with knowledge of military organization, administrative procedures, and with command experience.
- (4) *Unit officers.* Officers assigned to CAMG units must have had military training as well as CAMG training sufficient to qualify them for the specific jobs to which they are assigned.

c. Enlisted Personnel.

- (1) *Military administrative and service personnel.* Enlisted personnel assigned to purely military functions are selected by military occupation specialty and billet classification. Such personnel should normally receive unit and functional training in CAMG units.
- (2) *Specialists.* Enlisted men of this category are selected on the basis of military and

civilian background and training. After selection they are given specialized training in their functions at CAMG training installations.

35. Training

a. General. All personnel selected for CAMG duty will be given appropriate training in the functions and capabilities of CAMG units and staff sections. No effort will be made to create functional specialists (ch. III) through training subsequent to their selection for CAMG duty. Instead, the training of functional specialists will be directed towards the adaptation of their civilian acquired specialty to the CAMG mission.

b. School. The Department of the Army is charged with the CAMG training of all United States military personnel engaged in CAMG operations except as specifically charged to the Department of the Navy. The schools and courses will be of such nature as to qualify personnel for CAMG duties, including higher staff and unit responsibilities. The CAMG responsibilities of the combat commander will be emphasized. To this end CAMG units and staffs will participate in command post exercises and maneuvers as elements of major participating forces. It is desirable that such staffs and units be trained with the force or at the level of operations to which they will be assigned.

c. Standardized Principles. Training principles have been standardized by agreement between

United States, United Kingdom, and Canada under the Nonmaterial Standardization Program (SOLOG). For details see SOLOG Agreement 42 (app. III).

CHAPTER VI

PLANS

36. General

a. CAMG Annex. A CAMG annex is an integral part of the plan for each military operation.

b. National Policy.

- (1) United States National Policy, with such modifications as may result from Inter-allied governmental decisions, provides the basis for military government planning while U. S. national policy and the terms of a civil affairs agreement provide the basis for civil affairs planning.
- (2) The most effective planning is dependent upon timely consideration by appropriate governmental agencies of sociological, economic, and political factors involved in the area of operations.
- (3) Planners should insure that responsibility for CAMG activities during military operations is vested in the military commander and is not divided between civil and military agencies.
- (4) The assignment of planning responsibilities for CAMG is set forth in FM 110-10/JANALP(A)/AFM 400-4(C).

c. Areas of Operations. The chief of the CAMG staff section of each headquarters having area au-

thority for the conduct of CAMG prepares the CAMG portion of operations plans. The CAMG staff section of a headquarters coordinates with the other staff sections in the preparation of plans to insure appropriate support from and to the CAMG portion of the operation. In the development of CAMG plans consideration is given to other plans among which are—

- (1) Area damage control plans.
- (2) Civil defense plans.
- (3) Plans for security of lines of communication.
- (4) Plans for security of service areas.
- (5) Psychological warfare plans.
- (6) Traffic plans.
- (7) Base development plans.
- (8) Evacuation plans.

37. Basis for Operational Planning

a. General. The CAMG plan of the area of operations or senior U. S. commander provides general direction for all personnel of the command in relationships with the local authorities and population, and provides for the performance of such functions as may be appropriate to each subordinate command and its part in the operation.

b. Common Planning Factors. Planning factors common to all units and influencing the general concept of the plan include—

- (1) The mission of the command.
- (2) Governmental policy.
- (3) Logistic capabilities.

- (4) The organization and degree of effectiveness of the government, the nature and condition of the economy, the social and cultural institutions, the geography of the area, and the attitude of the people.

c. *Military Considerations.* The first three factors are basic military considerations, while the fourth factor requires study and analysis of the area involved.

d. *Factors Affecting the Entire Command.* Some conditions in a country affect all troops and all functions of CAMG while others affect only specific units or specific functions. Those affecting all units and all functions include—

- (1) Basic conceptions of political authority, economic organization, religion and moral obligations, etc., prevalent in the country.
- (2) Mores of the community or communities; social organization and institutions; culture and its forms of expression.
- (3) Folkways—forms of social courtesy among the inhabitants; national and local traditions, sensitive points, and national and religious observances, such as holidays and sacred or forbidden places.
- (4) Beliefs as to what is at stake in the war and as to the aims of the enemy.
- (5) Attitudes toward the occupying or liberating force. This attitude is strongly affected by the behavior of the troops.
- (6) Effects of combat on the population.

e. Planning for Specialist Functions. To the extent permitted by higher authority subordinate commanders through their staffs and CAMG units will provide such planning for specialist functions as anticipated and verified situations require. The directives developed as a result of such planning will be appropriate to the needs of the local situation and may controvert instructions from higher authority only when emergency situations require immediate action. The types of planning data needed for each function are outlined in chapter III.

CHAPTER VII

PROCLAMATIONS, ORDINANCES, ORDERS AND INSTRUCTIONS

38. General

a. Proclamations, ordinances, orders, and instructions should be issued as required in both civil affairs and military government operations. In a civil affairs operation, the requirement for such publications will be limited, in most instances, to those situations where active combat is being conducted. The contents of such publications must, however, be in complete accord with the terms of any civil affairs agreement which may exist. The discussion throughout the remainder of this chapter is most applicable to a military government operation. Detailed discussion in a civil affairs operation is not provided since the variations encountered would render it prohibitive.

b. Proclamations, ordinances, and all orders and instructions intended to be binding upon the inhabitants will be published in written form. Publication is normally made by posting in public places throughout the area affected; it may also be made by means of newspapers, broadcasting, and other media available. See FM 41-10 for examples of proclamations, ordinances and other orders and instructions.

c. All such documents will be worded both in English and in the language of the inhabitants. It may often prove difficult to reach a satisfactorily clear and idiomatic translation; the matter is important, however, and great pains should be taken to provide such a translation. The inhabitants cannot be expected to comply unless they understand, and it is the translation, not the original English, that informs them.

d. Article 65 of the Geneva Civilian Convention of 1949 establishes this restriction. "The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive."

39. Proclamations

A document published to the inhabitants of an area, which sets forth the basis of authority and scope of activities of a commander in a given area and which defines the obligations, liabilities, rights, and duties of the population affected.

a. Proclamations are directives promulgated by the occupant or liberator and addressed to the government and population of a territory. They set forth in general terms the policy of the occupant or liberator with respect to the government and population of the territory. Normally they are issued sparingly and are reserved for matters of considerable consequence. Proclamations are law-making instruments and are issued in the name of,

and as directed by the area of operations or senior U. S. commander.

b. Proclamations should be prepared in advance and drafted with care so that they may serve as the basis for the conduct of the CAMG operations.

c. The text of proclamations informing a hostile population of the fact and objectives of the occupation vary from similar documents directed toward the population of a liberated area which may temporarily be administered by the commander's CAMG organization. Factors influencing the text of proclamations include—

- (1) Politico military objectives to be attained.
- (2) The degree of the precariousness of the occupation.
- (3) Requirements to be placed on governmental agencies and civil population.
- (4) Traditions, customs, and desires of the local population.
- (5) Treaties, agreements or the rules of customary international law affecting the occupation.

d. All initial proclamations and appropriate ordinances should receive Department of Defense approval before publication.

e. It is impracticable to outline the contents of proclamations for all types of occupations. The first proclamation should generally cover the following points:

- (1) *Declaration of the occupation.* This is formal notice of the fact of occupation

and of the extent of the area over which the Armed Forces assume jurisdiction.

- (2) *A statement of the purpose and policy.* Political objectives should be included only pursuant to instructions from higher authority.
- (3) *A declaration of the supremacy of the area of operations commander.* This is an essential prerequisite to the administration of any military government. It should announce that a military governor has been appointed and that political ties with, and obligations to, the enemy government, if any, are suspended. It should announce that inhabitants will be required to obey orders to the area of operations commander and his subordinates and to abstain from all acts or words of hostility or disrespect to the occupying forces.
- (4) *Retention of laws and officials.* It should be announced that unless the occupant or liberator directs otherwise, local laws and customs will continue in force, local officials will continue in office, and personnel of all essential and private services will carry on with their regular tasks. (For the commander's authority to change local law, see par. 45a).
- (5) *Treatment of inhabitants.* Assurance should be given that persons who obey the instructions of the occupant or libera-

tor have nothing to fear. They will be duly protected in their persons, property, family rights, religion, and employment. Warning should be given that those who commit offenses will be punished.

- (6) *Resumption of usual employment.* Inhabitants should be instructed that they must continue or resume their usual employment, unless specifically directed to the contrary. They will assist in the maintenance of law and order and restoration of normal economic conditions.
- (7) *Detailed rules of conduct.* It is advisable to put the population on notice that further proclamations or ordinances will specify in detail what is required of the inhabitants.
- (8) *Miscellaneous.* Other matters the area of operations commander may desire to include.
- (9) *Place, date, and signature.* Place and date document is signed, signature and military title of the issuing authority.

f. In the event of Civil Affairs operations in a liberated territory, *e*(1) to (9) above, should be appropriately modified.

g. Subsequent proclamations, numbered in sequence, may be issued whenever the need arises. The occasion for a proclamation would ordinarily be some development of considerable moment in the conduct of the occupation, such, for example,

as the handing over of new administrative responsibilities to the national government.

40. Ordinances

a. An ordinance is an enactment issued under the authority of the Area of Operations Commander or Military Governor promulgating detailed rules of law or procedure for the administration of his zone of responsibility as a whole. Necessary ordinances will have been prepared in advance of the operation. Among other matters, ordinances should deal with offenses against the occupant or liberator, establishment of courts, currency and exchange regulations, rationing, and price control. It may be desirable to establish an official gazette wherein ordinances and other acts binding upon the inhabitants are published.

b. The format of ordinances should be standardized to the following extent:

- (1) Ordinances should be numbered in sequence.
- (2) They should consist of a series of main subdivisions called Articles.
- (3) They should contain definitions of any terms used in them which are ambiguous or unfamiliar to the persons to whom they are addressed (par. 38c and d).
- (4) The final article in each ordinance should specify the effective date of the ordinance.
- (5) Ordinances should be signed by the military governor or by some authorized subordinate.

41. Orders and Instructions

These differ from other legal documents such as proclamations and ordinances. They are local in scope and are issued to control or direct the civil population and governmental authorities. The purpose of orders and instructions is to prevent civilian interference with military operations or to provide detailed information as to the method of complying with the provisions of previously issued documents. Examples of subject matter contained in orders and instructions are hours of curfew, travel restrictions, and limitations on the operations of agencies of government. Authority to issue orders and instructions should be delegated to those subordinate commanders having area authority.

CHAPTER VIII

COURTS

42. Purpose

During an occupation the occupant may, under international law, establish military government courts. These courts are established primarily for the purpose of providing a forum in which violations of the occupant's legislation may be adjudicated. In exceptional circumstances, when the established local courts of the occupied area are unable to function or when such action becomes necessary to insure the effective administration of justice, military government courts may be granted jurisdiction to administer the ordinary criminal and/or civil law of the occupied area, but this jurisdiction should be returned to the local courts of the occupied area as soon as possible. This chapter deals only with military government courts. In a civil affairs operation the terms of the civil affairs or other contractual agreement should provide for courts in which offenders against the armed forces may be tried. No discussion of this type of court is contained herein, since its composition, authority, jurisdiction, and procedures will all be dependent on the terms of the civil affairs agreement.

43. Authority To Appoint

The area of operations commander normally delegates authority to appoint military government

courts to those subordinate commanders having area responsibility for the conduct of military government.

44. Types of Military Government Courts

a. Normally three grades of courts are established.

- (1) General courts, with authority to impose any lawful sentence including death.
- (2) Intermediate courts, with authority to impose any lawful sentence not extending to death, or to imprisonment in excess of a stated number of years (such as 10), or to a fine in excess of a stated amount (such as the equivalent of \$10,000).
- (3) Summary courts, with authority to impose any lawful sentence not extending to death, or to imprisonment in excess of a stated term (such as 1 year), or to a fine in excess of a stated amount (such as the equivalent of \$1,000).

b. General courts are composed of officers, usually five in number, at least one of whom is a legal officer of the military government. Intermediate courts are composed of officers, usually three in number, at least one of whom is a legal officer of the military government. A summary court consists of one officer, who should, if practicable, be a legal officer.

c. Care should be taken, in appointing military government courts, to select officers of sound judgment and judicial temperament. They should be

manned by legally trained persons to the maximum extent possible. It is desirable that officers appointed to military government courts have a good understanding of the policies and objectives of the occupation; such an understanding tends to promote rational and consistent action. Considerable continuity in the membership of the courts is also advantageous, since it tends to result in like penalties for like offenses.

d. Harsh or erratic punishments generate resentment and undermine respect for the courts by the inhabitants. In establishing, for example, the extent of the fines that a military government court is to be empowered to impose, the effect that the fine in the foreign currency will have upon the inhabitants of the occupied territory, not the significance to an American of any suggested sum in dollars, should be given consideration.

45. Jurisdiction of Military Government Courts

The jurisdiction of military government courts is specified by the occupant in an occupational directive and normally extends as follows:

a. As to territory, it extends to the whole of the occupied territory, and as regards each part of the territory, from the time at which that part was first occupied.

b. As to persons, it extends to all persons in the occupied territory except persons treated as prisoners of war under the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 and members of the occupying forces and

members of the armed forces of states allied with the occupant. Members of the Armed Forces of the United States are not, as a matter of policy, made subject to the jurisdiction of military government courts, but persons serving with, employed by, or accompanying the Armed Forces are sometimes made subject to the jurisdiction of such courts. Persons subject to United States military law (see Uniform Code of Military Justice, art. 2) are not subject to the jurisdiction of the local courts of the occupied area unless expressly made subject thereto by a directive of the occupation authorities. However, if the local courts are denied jurisdiction in civil matters over persons subject to military law, military government courts should be endowed with jurisdiction over civil litigation involving such persons.

c. As to offenses, it extends to—

- (1) Offenses under any proclamation, ordinance, or order issued by the occupation authorities. See paragraphs 47 and 48 for discussion of penal laws and ordinances.
- (2) Offenses against the law of war (i.e., war crimes) if other tribunals are not established for the adjudication of such cases.
- (3) Military government courts may be endowed with jurisdiction to administer the criminal or the civil law of an area which is continued in force after the area has been occupied.

46. Procedure in Military Government Courts

a. Care should be taken, in preparing the judicial organization, procedure, and rules of court for any occupation, to make sure that every pertinent requirement of the Geneva Civilian Convention of 1949 has been met.

b. The system should have rational simplicity. Inasmuch as the courts sit to try the inhabitants of a foreign country, who may have as counsel lawyers unacquainted with the legal system of the occupying power, it is desirable that the practice be similar to that to which the people are accustomed, so long as the ends of justice are served.

c. Every essential of justice should be safeguarded. The accused should be assured a fair hearing, should receive adequate notice of the charges in advance of trial, be given adequate opportunity to prepare his defense, enjoy the right to counsel, be enabled to present evidence necessary to his defense, to call witnesses in his defense, be permitted to cross-examine witnesses presented by the prosecution and, unless he freely waives such assistance, be aided by an interpreter. Adequate provision should be made for review or administrative examination of cases by the military government legal staff. The right of appeal should be provided. See paragraph 2, Manual for Courts-Martial, United States, 1951 and Article 73 of the Geneva Civilian Convention of 1949.

d. It is desirable, at the planning stage, when the judicial organization, procedure, and rules of court are being prepared, to subject the system

to repeated tests in moot courts simulating situations in the country to be occupied. These exercises should be continued until it seems assured that the system will work well under operating conditions. Legal officers should be made completely familiar with the system.

47. Provisions of Geneva Civilian Convention of 1949 Regarding Penal Laws

The Geneva Civilian Convention of 1949 imposes important limitations as to the administration of punitive justice in occupied territory. The Convention establishes the following guiding principles:

a. The penal laws of the occupied territory remain in force, except that they may be repealed or suspended by the occupying power where they constitute a threat to its security or an obstacle to the application of the Convention. Those laws relating to recruitment and the bearing of arms, laws dealing with political processes, such as the rights of assembly and suffrage, and laws establishing racial discrimination may, for example, be deprived of effect. The tribunals of the occupied territory normally continue to function in respect of offenses covered by those laws which are continued in effect (art. 64).

b. The occupying power may promulgate penal provisions essential to maintain orderly government of the territory, to insure the security of the occupying power, or to enable the occupying power to fulfill its obligations under the Convention (art.

64). Alleged violations are triable before properly constituted nonpolitical military courts sitting in the occupied country (art. 66).

c. As to the penal provisions mentioned above, if an offense was *solely intended* to harm the occupying power, and moreover did not constitute an attempt on life or limb of a member of the occupying forces or administration nor a grave collective danger nor seriously damage the property of the occupying forces or administration or the installations used by them, it shall be punished by internment or simple imprisonment, the duration of which is proportionate to the offense (art. 68). It may not be punished by a deprivation of liberty more serious than simple imprisonment, such as imprisonment at hard labor or solitary confinement.

d. If the offense was not thus solely intended to harm the occupying power, the limitation as to internment or simple imprisonment does not apply. Further, if the offense was solely intended to harm the occupying power and constituted an attempt on the life or limb of a member or property of the forces, the limitation as to internment or simple imprisonment does not apply.

e. The limitation in Article 68, summarized in c above, does not preclude the imposition of other penalties, such as fines, which do not deprive the person of his liberty. It does not preclude the imposition of internment or simple imprisonment and a fine in addition, provided that the total pun-

ishment is "proportionate" to the offense committed.

f. The penal provisions promulgated by the occupying power may provide for the imposition of the death penalty only in case of espionage, or of serious acts of sabotage against the military installations of the occupying power, or of intentional offenses that cause death. (Article 68, par. 2. Although this Article also provides that the named offenses must have been punishable by death under the law of the occupied territory at the time the occupation began, the United States, and certain other governments, have reserved the right to impose the death penalty without regard to this particular limitation.)

g. The Protecting Power, as provided in the Convention, shall be notified of all proceedings involving the death penalty or possible imprisonment for two years or more. Not until three weeks after this notification reaches the Protecting Power may the trial begin (art. 71).

48. Drafting of Penal Ordinances

In the drafting of penal ordinances, account must be taken of the following matters:

a. Care must be taken to insure that in any enumeration of offenses punishable by death, the requirements of the second paragraph of Article 68 of Geneva Civilian Convention of 1949 are met (par. 45).

b. A deprivation of liberty more serious than simple imprisonment may not be included among the penalties for any offense which would fall with-

in the provisions of the first paragraph of Article 68 of the Geneva Civilian Convention of 1949 (par. 46c).

c. In drafting the penal legislation of the occupant, the requirements of notice and of three weeks delay in those cases in which the death penalty or imprisonment for two years or more is "involved" present difficult problems, to which the following considerations are pertinent:

- (1) From the point of view of the occupying power, violations of the occupant's directives vary greatly in their seriousness according to the circumstances of the case. Entering a forbidden area, for example, might constitute either a technical violation or, under other circumstances, a very serious offense meriting imprisonment for two years or more.
- (2) It would be a serious impediment to the administration of justice, if, as to all violations of the occupant's legislation, notice and three weeks' delay were unavoidable. Many small cases, deserving some very moderate punishment, would be needlessly magnified and the value of prompt correction as a deterrent would be lost. Delay also increases the difficulty of producing witnesses.

For the foregoing reasons, it is desirable that the procedure of military government courts should be so contrived as to make possible an early separation between those cases which do or do not re-

quire notification to the Protecting Power under Article 71 of the aforementioned Convention. When a preliminary investigation of charges is made, this procedure may serve as an appropriate instrument for determining whether the individual should be tried for such an offense as might permit imprisonment of two years or more and would accordingly require notification to the Protecting Power.

49. Local Courts

a. Article 64 of the Geneva Civilian Convention of 1949 provides that "the tribunals of the occupied territory shall continue to function in respect of all offenses" covered by the penal laws of the occupied territory, subject, however, to two exceptions:

- (1) The consideration that any obstacle to the carrying out of the Convention should be removed.
- (2) The necessity for insuring the effective administration of justice.

b. It is the duty of the occupant to insure the effective administration of justice. Normally this is to be accomplished through the continued functioning of the local courts. But if, by reason of being corrupt or unfairly constituted, these courts do not insure justice to the occupants of the country, then the occupant should take appropriate measures to cause that end to be attained. It might remove certain judges and appoint others in their stead. It might allow the old judges to carry out only certain duties, e.g., to hand over records and to do other things necessary to enable the admin-

istration of justice to go forward. It might even use courts of its own creation to administer the penal law. In short, the occupant is to see to it that the law is properly administered—by the existing judges if possible. It must in any event insure that there is a fair and effective administration of justice.

APPENDIX I

REFERENCES

AR 20-1	Inspections and Investigations
AR 140-108	Civil Affairs and Military Government Branch.
AR 140-192	Military Intelligence and Army Security Branches.
AR 320-50	Authorized Abbreviations
AR 380-5	Safeguarding Defense Information.
AR 380-83	Civil Censorship
AR 616-170	Civil Affairs/Military Government Specialization.
AR 725-50	Preparation and Processing Requisitions for Oversea Requirement.
SR 320-5-1	Dictionary of United States Army Terms.
SR 525-45-1	Command Report
FM 8-10	Medical Service, Theater of Operations.
FM 10-10	Quartermaster Service in Theater of Operations.
FM 19-15	Civil Disturbances and Disasters.
FM 19-25	Military Police Traffic Control
FM 21-5	Military Training
FM 21-6	Techniques of Military Instruction.

FM 21-30	Military Symbols
AFM 55-3	
FM 22-10	Leadership
FM 24-5	Signal Communications
FM 27-10	The Law of Land Warfare
FM 30-5	Combat Intelligence
FM 31-21	Guerrilla Warfare and Special Forces Operations.
FM 33-5	Psychological Warfare Operations.
FM 41-10	Civil Affairs/Military Government Operations.
FM 41-15	Civil Affairs/Military Government Units.
FM 101-5	Staff Officers' Field Manual,
AFM 1-1	Staff Organization and Procedure.
FM 101-10	Staff Officers' Field Manual, Organization, Technical, and Logistical Data.
FM 110-5	Joint Action; Armed Forces
FM 110-10	Joint Logistics Policy and Guidance.
TM 27-250	Cases on Military Government
DA Pam 27-1	Treaties Governing Land Warfare.
DA Pam 108-1	Index of Army Motion Pictures, Filmstrips, Slides, and Phono-Recordings.
DA Pam 310-1	Index of Administrative Publications.

DA Pam 310-3	Index of Training Publications
DA Pam 310-7	Index of Tables of Organization and Equipment, Tables of Organization, Type Tables of Distribution, and Tables of Allowances.
DA Pam 320-1	Dictionary of United States Military Terms for Joint Usage.
TOE 41-500R	Military Government Service Organization.
ATP 41-200	Army Training Program for Military Government Service Organizations Consisting of Military Government Groups, Military Government Companies, and Military Government Platoons.
ATT 41-1	Army Training Test for Military Government Service Organization.

APPENDIX II

SOLOG AGREEMENT 41

Civil Affairs/Military Government Principles of Organization

This agreement between the United States, United Kingdom and Canada has the object of standardizing CAMG principles of organization for armies of the respective countries. It becomes effective for United States and Canada on 9 October 1957 and for United Kingdom one year later. It is to be promulgated in appropriate publications of all armies and will be released to NATO and Southeast Asia Treaty Organization. It provides that no amendments to agreed procedure will be undertaken by any of the three armies without the sanction of the other two.

DETAILS OF AGREEMENT

1. Civil Affairs/Military Government is a command responsibility.
2. The function of Civil Affairs/Military Government is supervised and directed by the commander, assisted by an appropriate staff.
3. Civil Affairs/Military Government operations are performed executively by Civil Affairs/Military Government units or detachments so far as practicable.

4. The organization for Civil Affairs/Military Government is flexible in order to function effectively under varying situations and contingencies.

5. Integration of Civil Affairs/Military Government personnel is essential to combined operations. It should not normally be extended to the command of Civil Affairs/Military Government units or detachments of one nation by officers of another.

6. British and Canadian Division Headquarters will include a Civil Affairs/Military Government officer and staff section when the division operates under the command of a United States Corps to conform with United States organization. (This will not apply when assignment is of a temporary nature only.)

7. The armies of the three countries will accept responsibility for appropriate administration and support required by attached Civil Affairs/Military Government personnel or units of any of the other armies.

APPENDIX III

SOLOG AGREEMENT 42

Civil Affairs/Military Government Training Principles

1. The introduction of Civil Affairs/Military Government Training, the method of providing the instruction and the amount of time devoted to training will be decided by the army concerned.

2. Basic orientation in Civil Affairs/Military Government will be provided for all Army personnel on active duty prior to or during movement overseas.

3. Additional general instruction will be given to all army officers on active duty to impart a knowledge, at least equivalent to that required in regard to organization and operation of administrative and technical services.

4. Advanced instruction will be given a high level military schools at which officers are trained for command and staff assignments.

5. Maneuvers and other training exercises will include problems requiring the participation of Civil Affairs/Military Government units and personnel.

6. Civil Affairs/Military Government personnel will receive military training.

7. The functional training provided for specialists will be designed to adapt their civilian specialties to military operations.

8. Civil Affairs/Military Government personnel will receive appropriate regional training in accordance with their planned assignment.

9. Civil Affairs/Military Government personnel assigned to a theater or area having an interallied command should normally receive additional training at a combined training center.

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For explanation of abbreviations used, see AR 320-50.